

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 KEVIN ALMY,) 2:12-cv-00129-HDM-VCF
8 Plaintiff,)
9 vs.) ORDER
10 D. DAVIS, et al.,)
11 Defendants.)

Before the court is the plaintiff's motion for trial transcripts for appeal (#462). Defendants have opposed plaintiff's motion (#468). Plaintiff has not filed any reply, and the time for doing so has expired.

This matter went to trial on four of plaintiff's claims: three counts of excessive force and one count of interference with plaintiff's right to send and receive mail. The jury found in favor of plaintiff and against defendant James Keener on plaintiff's First Amendment mail claim, and against plaintiff and in favor of all remaining defendants on the excessive force claims.

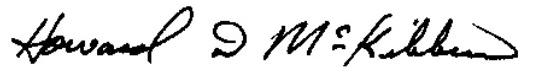
Pursuant to 28 U.S.C. §§ 753(f) and 1915(c), the court may
grant a party proceeding *in forma pauperis* transcripts at the
government's expense. Such a request should be granted only if it
finds the plaintiff's appeal presents a "substantial question."
Henderson v. United States, 734 F.2d 483, 484 (9th Cir. 1984); see
also § 753(f) ("Fees for transcripts furnished in other proceedings

1 to persons permitted to appeal *in forma pauperis* shall also be paid
2 by the United States if the trial judge or a circuit judge
3 certifies that the appeal is not frivolous (but presents a
4 substantial question).".

5 Plaintiff has failed to establish that his appeal presents a
6 substantial question justifying a transcript of the trial.
7 Accordingly, plaintiff's motion for transcripts at government
8 expense (#462) is **DENIED**.

9 IT IS SO ORDERED.

10 DATED: This 29th day of January, 2015.

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UNITED STATES DISTRICT JUDGE
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